

TOWN OF DEERFIELD  
ZONING BOARD OF APPEALS  
MEETING MINUTES

May 6, 2004

- I. Meeting convened at 7:00 p.m. Main Meeting Room, Municipal Offices, South Deerfield, MA.

Members Present: Chair Francis Olszewski, Stephen Barrett, Roger Sadoski, Leonard T. Grybko, Sr, and Richard Calisewski

Members Absent: Ronald Bohonowicz, and Grace Friary

- II. **Chair Olszewski opened the meeting by reading the public hearing notice on the application of The Yankee Candle Company for a special permit, variance or whatever relief is needed to erect a temporary banner sign two feet by twenty feet (forty square feet), located at 5 North Street, South Deerfield, MA (Assessors Map 1 Parcel 1).**

Board members posed questions regarding banner size, duration it was to be up, and that it should be taken down as soon as a tenant is found.

Mr. Swasey, Yankee Candle Company representative, responded that Yankee Candle was looking for a new tenant for the building and they wanted to reinstall the banner that was on the building in 2001. He stated it would be placed in the southwest corner of the old Leader/Elder Lumber building, for maximum visibility it would face Routes 5 & 10. He noted the current tenant would be leaving in December and that Yankee Candle wanted to start advertising now. The wall size is 380 feet long, 18 feet high for a total of 6,840 square feet, the banner is 2 feet by 20 feet, which is less than 16% of the entire building wall. He agreed with the request of the Board that a maximum time limit of one year be set or the banner be removed as soon as a new tenant was found. He also stated that the banner would be unlit.

The Chair asked if anyone was opposed to the temporary banner, no opposition was noted.

On a motion by Calisewski seconded by Barrett it was unanimously voted, on a roll call vote, to grant a special permit to erect a 20 foot by 40 foot sign on Old Leader Lumber Company for one year.

It was also noted that The Yankee Candle Company would need to contact the Building Commissioner to apply for a permit.

His business concluded Mr. Swasey left the table.

The Chair read a meeting notice from the Massachusetts Federal Planning Appeals Board to attend a seminar in Holyoke on May 13<sup>th</sup>. He asked if any one was interested in attending. No one responded. He also reminded everyone of the ZBA meeting on May 20<sup>th</sup> at 7:00 pm regarding Magical Wings liquor license and court case.

Grybko Sr. updated all members on a meeting he had with Mr. Nixon, Town Administrator, regarding the attorney situation. He noted that Mr. Nixon could not make a decision regarding the possible problem of the attorney representation issue. Grybko had posed the question of how one attorney could represent the Selectmen and the Zoning Board of Appeals regarding decisions where both boards disagree. To the ZBA membership he posed the question of the ethicalness of this type of representation.

Sadowski noted that both Boards had different authority and therefore different perspectives and it was not a case of us against them.

Grybko Sr. stated he was looking towards the future and noted the Rice situation as an example and the ZBA should be prepared if separate attorneys were necessary.

Sadowski commented that the ZBA would have to ask the Selectmen for different attorney representation.

On a motion by Calisewski seconded by Barrett it was unanimously voted to adjourn the meeting.

Respectfully submitted,

Vivien Venskowski, Zoning Board of Appeals Clerk